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May 19, 2003

The Honorable Jillyn K. Schulze  
United States Magistrate Judge  
United States Court House  
6500 Cherrywood Lane  
Greenbelt, Maryland 20770

Re: Shapiro v. Berry, et al.; Civil Action No. MJG-02-3931

Dear Judge Schulze:

I write to update the Court on matters discussed in our telephone conference last Friday. The parties still are unable to resolve the current dispute concerning Courtney Berry's deposition. Plaintiff still insists that Courtney Berry be deposed on Thursday, May 22, 2003, despite her current medical condition and despite the warning from her physician. As such, defendants and deponent Berry have filed a Motion for a Protective Order in the United States District Court for the District of Maryland to stay the deposition.

A detailed summary of the background of this somewhat involved matter is set forth in the Motion, as is citation to extensive authority giving this Court jurisdiction to rule on this Motion.

Judge Marra ruled on the Motion to Enforce the Subpoena Issued to Courtney Berry and ordered her deposition. Plaintiff has since noted Ms. Berry's deposition for this Thursday, May 22, 2003. Deponent and defendants filed a Motion for Reconsideration. That motion has been briefed and is pending before Judge Kenneth A. Marra (954- 769-5680).

On May 14, 2003, the Motion to Enforce the Subpoena issued to Neal McGarry was denied by United States Magistrate Judge Barry L. Garber (305-523-5730), without prejudice to the plaintiff's right to refile it after Judge Marra and this Court have ruled on the various motions.

Because plaintiff refuses to stay Courtney Berry's deposition until after she has given birth, deponent and defendants have no choice but to request that this Court issue a protective order staying Courtney Berry's deposition until after she delivers.

Respectfully,

/s/

Andrew D. Levy

cc: Judge Kenneth A. Marra (via over night federal express)  
Vernon W. Johnson, III, Esquire